

JUL 11 2019

JULIA Z. SUDLEY, CLERK  
BY:  DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION  
JULY 2019 SESSION

UNITED STATES OF AMERICA ) Criminal No. 4:19-cr- 26  
)  
v. )  
)  
) INDICTMENT  
)  
CARLOS DEMONTAE SPENCER ) In Violation of:  
)  
) 21 U.S.C. § 841(a)(1)  
) 18 U.S.C. § 924(c)  
) 18 U.S.C. § 922(g)(1)

**COUNT ONE**

The Grand Jury charges:

1. That on or about May 8, 2019, in the Western Judicial District of Virginia, the defendant, CARLOS DEMONTAE SPENCER, did knowingly and intentionally possess with the intent to distribute a measurable quantity of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance.

2. All in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C).

**COUNT TWO**

The Grand Jury further charges:

1. That on or about May 8, 2019, in the Western Judicial District of Virginia, the defendant, CARLOS DEMONTAE SPENCER, knowingly possessed a firearm, to wit a Ruger .380 caliber pistol, in furtherance of a drug trafficking crime for which he may be

prosecuted in a court of the United States, as set forth in Count One of this Indictment.

2. All in violation of Title 18, United States Code, Section 924(c).

### **COUNT THREE**

The Grand Jury further charges:

1. On or about May 8, 2019, in the Western Judicial District of Virginia, the defendant, CARLOS DEMONTAE SPENCER, knowing that he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm, to wit a Ruger .380 caliber pistol, which had previously been shipped and transported in interstate or foreign commerce.

2. All in violation of Title 18, United States Code, Section 922(g)(1).

### **NOTICE OF FORFEITURE**

1. Upon conviction of one or more of the felony offenses alleged in this Indictment, the defendants shall forfeit to the United States:

- a. any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offenses, pursuant to 21 U.S.C. § 853(a)(1).
- b. any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of said offenses, pursuant to 21 U.S.C. § 853(a)(2).
- c. any firearm used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances and/or raw materials, as described in 21 U.S.C. § 881(a)(1) and (2), and any proceeds traceable to such property, pursuant to 21 U.S.C. § 881(a)(11) and 28 U.S.C. § 2461(c).
- d. any firearms and ammunition involved or used in the commission of

said offenses, or possessed in violation thereof, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

2. The property to be forfeited to the United States includes but is not limited to the following property:

a. **Firearms**

- 1) A Ruger, model LCP, .380 caliber pistol, SN: 37585076
- 2) All ammunition, magazines, and accessories associated with this firearm

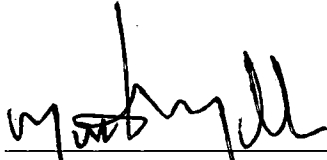
3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property, pursuant to 21 U.S.C. § 853(p).

A TRUE BILL this 11<sup>th</sup> day of July, 2019.

/s/Foreperson  
FOREPERSON

  
\_\_\_\_\_  
FOR THOMAS T. CULLEN  
UNITED STATES ATTORNEY